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Andrew Thomson

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/872,300
Filing Date: May 31, 2001
Appellant(s): THOMSON, ANDREW

Jeffrey C. Hood
Reg. No. 35,198
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 11, 2008 appealing from the Office action mailed December 22, 2006.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

In addition, claims 1-81 were cancelled in Amendment filed October 6, 2006.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The After-final amendment filed February 22, 2007 was not entered because it changed the scope of claim 92.

(5) *Summary of Claimed Subject Matter*

The summary of invention contained in the brief is correct.

(6) *Grounds of Rejection to Be Reviewed on Appeal*

The appellant's statement of the issues in the brief is correct.

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0180579 A1

NAGAOKA et al.

12-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Objections

1. Claim 92 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Until further clarification, Examiner understands this claim to be dependent upon claim 82.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 93, 97 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has used a contradictory statement "and/or". Examiner will use the "or" statement until further clarification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 82-106 are rejected under 35 U.S.C. 102 (e) as being anticipated by Nagaoka et al. (hereinafter “Nag”, US Patent Publication 2002/0180579 A1).

As per claim 82, Nag discloses a method, comprising:

- A first device coupled to a network sending a request to a second device coupled to the network to access a traditional instrument, wherein the traditional instrument is coupled to the second device via an instrumentation bus, wherein an instrument driver is required by the second device to communicate with the traditional

instrument, wherein the second device is not configured with the instrument driver, and wherein the traditional instrument does not include inherent Internet capabilities, and wherein the instrumentation bus is not the Internet (paragraphs [0082, 0090-0091, 0093-0094]);

- The second device receiving the request to access the traditional instrument (paragraphs [0111, 0171]);
- The second device receiving an instrument driver in response to said receiving request to access the traditional instrument, wherein the instrument driver is downloaded directly from the network, and wherein the instrument driver is usable by the second device to communicate with the traditional instrument (paragraphs [0041, 0045]);
- The second device accessing the traditional instrument via the instrumentation bus in response to said request to access the traditional instrument (paragraphs [0093, 0094-0096, 0106]);
- The traditional instrument sending instrument data to the second device via the instrumentation bus in response to the second device accessing the traditional instrument (paragraph [0091]);
- The second device receiving the instrument data sent from the traditional instrument via the instrumentation bus (paragraphs [0093, 0094-0096, 0106]);
- The second device sending the instrument data to the first device via the network (paragraphs [0096, 0111, 0179]).

As per claim 83, Nag further discloses the method of claim 82, further comprising displaying on the first device a graphical user interface to the traditional instrument coupled to the second device, wherein the graphical user interface is operable by the user to remotely control functionality of the traditional instrument from the second device (paragraphs [0150, 0178-0179, 0182]).

As per claim 84, Nag discloses the method of claim 82, further comprising:

- the first device receiving the instrument data from the second device via the network (paragraph [0096]);
- displaying the received instrument data on the first device (paragraphs [0194-0195]).

As per claim 85, Nag discloses the method of claim 82, wherein the first device comprises a web browser, wherein the request to access the traditional instrument is generated in response to user input on the web browser (paragraph [0153]).

As per claim 86, Nag discloses the method of claim 85, wherein the user input that generates the request to access the traditional instrument is received by the web browser in a web page provided by the second device (paragraph [0111]).

As per claim 87, Nag discloses the method of claim 86, wherein the web page provides a graphical user interface to the traditional instrument coupled to the second device (paragraph [0086]).

As per claim 88, Nag disclose the method of claim 82, wherein the second device comprises an instrument server, and wherein the second device accessing the traditional instrument comprises:

- The instrument server accessing an instrument driver for the traditional instrument (paragraph [0254]);
- The instrument driver accessing the traditional instrument via the instrumentation bus in response to the instrument server accessing the instrument driver (paragraph [0257]).

As per claim 89, Nag discloses the method of claim 82, further comprising, prior to the first device sending the request to access the traditional instrument:

- the instrument server providing instrument information about one or more traditional instruments coupled to the second device to the first device through the network, wherein the one or more traditional instruments include the traditional instrument (paragraph [0038]));
- displaying the instrument information about the one or more traditional instruments on the first device (paragraph [0086]).

As per claim 90, Nag discloses the method of claim 82, wherein a plurality of traditional instruments including the traditional instrument are coupled to the second device via the instrumentation bus, and wherein the first device is operable to send

requests to access each of the plurality of traditional instruments to the second device (paragraphs [0090-0092, 0095-0096]).

As per claim 91, Nag discloses the method of claim 82, further comprising the second device:

- detecting one or more traditional instruments coupled to the instrumentation bus including the traditional instrument (paragraphs [0093-0094]);
- receiving instrument information from each of the detected one or more traditional instruments (paragraph [0171]);
- providing the instrument information from the one or more detected traditional instruments to the first device (paragraph [0130]);
- wherein the one or more traditional instruments are user-selectable from the first device using the instrument information (paragraphs [0122, 0131]).

As per claim 92, Nag discloses the method of claim 82, wherein the instrumentation bus is one of a GPIB instrumentation bus, a PCI instrumentation bus, a PXI instrumentation bus, and a serial instrumentation bus (paragraph [0093]).

As per claim 93, Nag discloses a device comprising:

- A first port operable to couple to a network (paragraph [0082]);
- A second port operable to couple to an instrumentation bus, wherein the instrumentation bus is not the Internet (paragraph [0093]);

- A processor (paragraph [0086]);

Memory coupled to the processor and operable to store program instructions, wherein the program instructions are executable by the processor to:

- Detect a first traditional instrument coupled to the instrumentation bus, wherein a first instrument driver is required by the device to communicate with the traditional instrument, wherein the device is not configured with the first instrument driver (paragraphs [0041, 0093-0094]);
- Receive, from the network, the first instrument driver which is associated with the first traditional instrument in response to the detection of the first traditional instrument, wherein the first instrument driver comprises program instructions which are executable by the processor to communicate and/or control the first traditional instrument (paragraph [0041, 0082, 0090-0091, 0093-0094]);
- Store the first instrument driver in the memory (paragraph [0045]).

As per claim 94, Nag discloses the device of claim 93, wherein the program instructions are further executable by the processor to:

- Receive from a second device coupled to the network, a request to access the first traditional instrument (paragraph [0111]);

Wherein the first instrument driver comprises program instruction which are executable by the processor to:

- Access the first traditional instrument through the instrumentation bus (paragraph [0099])

- Receive data sent from the first traditional instrument (paragraph [0105]).

As per claim 95, Nag discloses the device of claim 94, wherein the program instructions are further executable by the processor to:

Transmit the data to network (paragraph [0087]).

As per claim 96, Nag discloses the device of claim 95, wherein, in said transmitting the data to the network, the program instructions are further executable by the processor to transmit a web page to the network, wherein the web page comprises the data (paragraphs [0114, 0179]).

As per claim 97, Nag discloses the device of claim 93, wherein the program instructions are further executable by the processor to:

- Detect a second traditional instrument coupled to the instrumentation bus (paragraph [0092, 0093]).
- Receive, from the network, a second instrument driver which is associated with the second traditional instrument in response to the detection of the second instrument, wherein the second instrument driver comprises program instructions which are executable by the processor to communicate and/or control the second traditional instrument (paragraph [0045]);
- Store the second instrument driver in the memory (paragraph [0041]).

As per claim 98, Nag discloses the device of claim 97, wherein the program instruction are further executable by the processor to:

- Receive, from a second device coupled to the network, a request to access the second traditional instrument (paragraph [0095]).

Wherein the second instrument driver comprises program instructions which are executable by the processor to:

- Access the second traditional instrument through the instrumentation bus (paragraph [0093]);
- Receive data from the second traditional instrument (paragraph [0171]).

As per claim 99, Nag discloses the device of claim 98, wherein the program instructions are further executable by the processor to:

- Transmit the data to the network (paragraph [0094]).

As per claim 100, Nag discloses the device of claim 99, wherein, in said transmitting the data to the network, the program instructions are further executable by the processor to transmit a web page to the network, wherein the web page comprises the data (paragraph [0114]).

As per claim 101, Nag discloses a method for using a traditional instrument with a network, comprising:

- A first device detecting the traditional instrument, wherein the first device is coupled to the traditional instrument, wherein the first device is not coupled to the traditional instrument via the Internet, wherein the instrument driver is required by the first device to communicate with the traditional instrument, wherein the first device is not configured with the instrument driver, and wherein the first device is coupled to the network (paragraphs [0082, 0090-0091, 0093-0094]);
- Automatically receiving, from the network, the instrument driver which is associated with the traditional instrument, wherein the instrument driver comprises program instructions which are executable by the first device to communicate with the traditional instrument (paragraph [0132]);
- After said receiving, communicating with the traditional instrument, wherein said communicating comprises using the instrument driver (paragraph [0045]).

As per claim 102, Nag discloses the method of claim 101, wherein said automatically receiving comprises downloading the instrument driver from a second device coupled to the network (paragraph [0045]).

As per claim 103, Nag discloses the method of claim 101, further comprising:

- Receiving from the network a request for information associated with the instrument (paragraph [0111]);
- Wherein said communicating with the traditional instrument is performed in response to said receiving from the network the request (paragraphs [0116-0117]);

The method further comprising:

- Transmitting a response to the network (paragraph [0130]).

As per claim 104, Nag discloses the method of claim 103, wherein the request comprises a request for measurement (paragraph [0222]).

As per claim 105, Nag discloses a computer-accessible memory medium comprising program instructions, wherein the program instructions are executable by a processor to implement:

- Scanning an instrumentation bus coupled to a first device to detect instruments coupled to the instrumentation bus (paragraph [0090]);
- Detecting a first traditional instrument coupled to the instrumentation bus, wherein an instrument driver is required by the first device to communicate with the first traditional instrument, wherein the first device is not configured with the instrument driver, wherein the first traditional instrument does not include inherent Internet capabilities, and wherein the instrumentation bus is not the Internet (paragraphs [0082, 0090-0091, 0093-0094]);
- Receiving instrument information from the detected first traditional instrument in response to said detecting the first traditional instrument (paragraphs [0093, 0094-0096, 0106]);

Art Unit: 2157

- Transmitting to a network a request for the instrument driver which corresponds to the instrument information, wherein the instrument driver is usable to communicate with the first traditional instrument (paragraph [0039]);
- Receiving the instrument driver from the network (paragraph [0041]);
- Providing the instrument information of the first traditional instrument on a second device (paragraphs [0093, 0094-0096, 0106]);
- Displaying the instrument information of the first traditional instrument on the second device (paragraph [150]);
- Wherein the first traditional instrument coupled to the first device via the instrumentation bus is remotely accessible from the second device to initiate monitor and control functions of the traditional instrument (paragraph [0094-0096]).

As per claim 106, Nag discloses the computer-accessible memory medium of claim 105, wherein the program instructions are further computer-executable to implement:

- receiving user input on the second device, wherein the user input specifies the first traditional instrument (paragraphs [0160, 0169-0171]);
- sending a request to access the first traditional instrument from the second device to the first device through the network in response to the user input (paragraph [0195]).

(10) Response to Argument

Appellants argued in substance that:

(a) Claims 93 and 97 stand rejected under 35 U.S.C. 112, second paragraph asserting that Applicant used a contradictory statement “and/or”. Appellant submits that “and/or” is not a contradictory statement, and one skilled in the art understands is an inclusive OR conjunction for two or more elements. These claims are not indefinite.

In response, Applicant's argument filed has been fully considered but is not persuasive. The terminology “and/or” in claims 93 and 97 can be interpreted to mean “the processor to communicate and control” and “the processor to communicate or control”. It is unclear as to which interpretation the Appellant is relying upon. Therefore, the Examiner treated the terminology “and/or” as “or”. For examination purposes, the Examiner used the interpretation “the processor to communicate or control” to point out to the Appellant the position of the Examiner when rejecting these claims.

(b) Regarding claim 82, Nagaoka fails to teach, suggest, or even hint at a first device coupled to a network sending a request to a second device coupled to the network to access a traditional instrument wherein the second device is not configured with the instrument driver.

In response, Applicant's argument filed has been fully considered but is not persuasive. Nagaoka teaches a terminal device **(first device)** sending a request to a home server **(second device)** for performing remote control (access) of home-located electronic devices **(traditional instruments)** (paragraphs [0009, 0017, 0021, 0091-0092]). The home server is not configured with the device driver **(instrument driver)** because the driver software is downloaded from the management facility via the network to the home server in order to communicate with the home-located electronic devices (paragraphs [0041, 0045]).

Therefore, Nagaoka indeed teaches a first device coupled to a network sending a request to a second device coupled to the network to access a traditional instrument wherein the second device is not configured with the instrument driver.

(c) Paragraphs [0082, 0090, 0091, 0093, 0094] of Nagaoka cited by Examiner do not relate to a system where a first device sends a request to a second device to access a traditional instrument, wherein the traditional instrument is coupled to the second device via an instrumentation bus, wherein an instrumentation driver is required by the second device to communicate with the traditional instrument, and wherein the second device is not configured with the instrument driver.

In response, Applicant's argument filed has been fully considered but is not persuasive. Nagaoka teaches a terminal device **(first device)** sending a request to a home server **(second device)** for performing remote control (access) of home-located electronic

devices (**traditional instruments**) (paragraphs [0009, 0017, 0021, 0091-0092]) The home server is not configured with the device driver (**instrument driver**) because the driver software is downloaded from the management facility via the network to the home server in order to communicate with the home-located electronic devices (paragraphs [0041, 0045]).

The home-located electronic devices communicate with the home server via home bus (**instrumentation bus**) (paragraphs [0091, 0093, 0099, 0106]).

Therefore, Nagaoka undoubtedly discloses to a system where a first device sends a request to a second device to access a traditional instrument, wherein the traditional instrument is coupled to the second device via an instrumentation bus, wherein an instrumentation driver is required by the second device to communicate with the traditional instrument, and wherein the second device is not configured with the instrument driver.

(d) With further regard to claim 82, Nagaoka fails to disclose the second device receiving the instrument driver in response to said receiving the request to access the traditional instrument, wherein the instrument driver is downloaded directly from the network, and wherein the instrument driver is usable by the second device to communicate with the traditional instrument.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Nagaoka teaches the home server (**second device**) receiving a request signal from the terminal device (**first device**) for information about the home-located electronic devices (**traditional instrument**). In order for the home server to fulfill this request, the driver software (**instrument driver**) is downloaded from the management facility via the network. The driver software is used by the home server for controlling the home-located electronic devices (paragraphs [0041, 0045, 0100]).

Therefore, Nagaoka explicitly discloses the second device receiving the instrument driver in response to said receiving the request to access the traditional instrument, wherein the instrument driver is downloaded directly from the network, and wherein the instrument driver is usable by the second device to communicate with the traditional instrument.

(e) The cited paragraphs [0041, 0045] are ambiguous as to the particular type of request received from the management facility as well as the specific means/process by which the driver is downloaded.

In response, Applicant's argument filed has been fully considered but is not persuasive. Nagaoka is very clear as to the management facility transmitting the request information from the terminal device to the home server. Specifically, Nagaoka states, "...when it (management facility) receives a request from the terminal, and receives the details for controlling the home-located electronic devices from the terminal based on the obtained

status information, and transmits the details to the server (home server)" (paragraphs [0021, 0095, 0111]).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., specific means/process by which the driver is downloaded) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(f) According to paragraph [0254], Nagaoka teaches, "the user accesses home network management server by utilizing terminal, and downloads the driver software corresponding to the home-located electronic device(s) to home server." Thus Appellant submits that Nagaoka teaches that the user must install new software for new home electronic devices. More specifically, the drivers are downloaded based on a request from the user to download a driver corresponding to the new device; one skilled in the art understands that the user manually installing a device driver is not the second device receiving the instrument driver in response to said receiving the request to access the traditional instrument as required by claim 82. Nagaoka fails to teach this feature of claim 82.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Examiner agrees that in this particular embodiment (second embodiment) Nagaoka teaches the user installs the driver in the home server. However, the driver is downloaded by the management server to the home server via the network corresponding to the request from the terminal device (paragraph [0259]).

Examiner also cited the first embodiment in which Nagaoka also teaches the home server **(second device)** receiving a request signal from the terminal device **(first device)** for information about the home-located electronic devices **(traditional instrument)**. In order for the home server to fulfill this request, the driver software **(instrument driver)** is downloaded from the management facility via the network. The driver software is used by the home server for controlling the home-located electronic devices (paragraphs [0041, 0045, 0100]).

Therefore, Nagaoka explicitly discloses the second device receiving the instrument driver in response to said receiving the request to access the traditional instrument,

(g) The Final Office Action clarifies the rejection and asserts that Nagaoka's terminal device teaches the first device, the home server teaches the second device, and the various home electronic devices teach the traditional instrument of claim 85. Appellant agrees that the terminal device (e.g., a cell phone) is used by the user to remotely control home electronic devices via the home server. However, none of the cited portions (or any portions of Nagaoka) teach that the terminal device sends a request to access a home electronic device that is not configured with a driver via the home server.

In response, Applicant's argument filed has been fully considered but is not persuasive. Examiner thanks Appellant for agreeing and acknowledging that Nagaoka teaches the terminal device is used by the user to remotely control home electronic devices via the home server.

However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., terminal device sends a request to access a home electronic device that is not configured with a driver via the home server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim language does not state that the traditional instrument (home electronic device) is not configured with a driver. The claim language states, "wherein the second device is not configured with the instrument driver".

(h) Further, none of the cited portions teach the home server receiving the driver from the network to communicate with the home electronic device in response to the request to access the home electronic device that is not configured with a driver.

In response, Applicant's argument filed has been fully considered but is not persuasive. Nagaoka teaches the home server (**second device**) receiving a request signal from the terminal device (**first device**) for information about the home-located electronic devices

(traditional instrument). In order for the home server to fulfill this request, the driver software **(instrument driver)** is downloaded from the management facility via the network. The driver software is used by the home server for controlling the home-located electronic devices (paragraphs [0041, 0045, 0100]).

Therefore, Nagaoka explicitly discloses the second device receiving the instrument driver in response to said receiving the request to access the traditional instrument, wherein the instrument driver is downloaded directly from the network, and wherein the instrument driver is usable by the second device to communicate with the traditional instrument.

However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., terminal device sends a request to access a home electronic device that is not configured with a driver via the home server) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim language does not state that the traditional instrument (home electronic device) is not configured with a driver. The claim language states, "wherein the second device is not configured with the instrument driver".

(i) Regarding claim 86, Nagaoka fails to disclose wherein the user input that generates the request to access the traditional instrument is received by the web browser in a web page provided by the second device.

In response, Applicant's argument filed has been fully considered but is not persuasive. Nagaoka teaches the terminal device having a World Wide Web browser to communicate with the home server in the home network. The user using the terminal requests status information via the web browser. The home server transmits to the terminal home-located electronic device categories for each electronic device for which the terminal can choose status information or which device to remotely control. This information is presented to the terminal as HTML data (paragraphs [0007, 0086, 0111, 0141, 0170-0171, 0182]).

Therefore, Nagaoka indeed discloses wherein the user input that generates the request to access the traditional instrument is received by the web browser in a web page provided by the second device.

(j) Regarding claim 87, Nagaoka fails to disclose wherein the web page provides a graphical user interface to the traditional instrument coupled to the second device.

In response, Applicant's argument filed has been fully considered but is not persuasive. Nagaoka teaches presenting the terminal device's web browser with menu data in HTML. The menu items in the data are home-located electronic device categories that

correspond to each home-located electronic device. The user via the terminal device chooses which device(s) he/she would like information about or which device(s) he/she would like to control. The user is able to select devices via the menu on the web browser and control these devices that are connected to the home server (paragraphs [0179, 0182, 0189-0190]).

Nagaoka undoubtedly teaches wherein the web page provides a graphical user interface to the traditional instrument coupled to the second device.

(k) Regarding claim 91, Nagaoka fails to disclose detecting one or more traditional instruments coupled to the instrumentation bus including the traditional instrument.

In response, Applicant's argument filed has been fully considered but is not persuasive. Nagaoka teaches the terminal device receiving the names of each home-located electronic device as well as in-vehicle devices connected to the bus (paragraphs [0042, 0091, 0111, 0171, 0178, 0277, 0304]).

Therefore, Nagaoka discloses detecting one or more traditional instruments coupled to the instrumentation bus including the traditional instrument.

(l) Nagaoka fails to disclose receiving instrument information from each of the detected one or more traditional instrument. Appellant submits that the status information cited in paragraph [0171] does not correspond to the instrument information as described in the specification and recited in the claim.

In response, Applicant's argument filed has been fully considered but is not persuasive. Appellant states that "the instrument information is used to identify and/or describe the instrument (e.g., such that the user can determine the type of traditional instrument for selection)" (Appeal Brief, page 15).

Nagaoka teaches terminal device receiving status information. Status information include the names of each home-located electronic device, the latest status of each device, etc. Based on this information, the user selects which device he/she would like to control or get more information about. Particularly, Nagaoka teaches a video recorder as one of the home-located electronic devices. The status information includes the amount of recording time a video tape in the recorder has, recording history, status of presetting program recording. Based on this displayed status information at the terminal device, the user selects this device to preset a program recording. The user designates a start/stop time, recording channel, etc. Nagaoka further teaches a user receiving status information on an air conditioner which is another home-located electronic device. The status information displays the air conditioner being OFF. Based on this, the user selects this device to control and turn ON in order to control the humidity in the home (paragraphs [0108-0110, 0179, 0182, 0184-0186, 0190]).

Nagaoka explicitly discloses receiving instrument information from each of the detected one or more traditional instrument according to Appellant's specification.

However, Appellant's claims do not recite a particular type of instrument information as argued by the Appellant.

(m) Nagaoka fails to disclose providing the instrument information from the one or more detected traditional instruments to the first device, wherein the one or more traditional instruments are user-selectable from the first device using the instrument information.

In response, Applicant's argument filed has been fully considered but is not persuasive. Nagaoka teaches presenting the terminal device's web browser with menu data in HTML. The menu items in the data are home-located electronic device categories that correspond to each home-located electronic device. Status information for each device is presented to the user via the terminal device. The user via the terminal device chooses which device(s) he/she would like more information about or which device(s) he/she would like to control. The user is able to select devices via the menu on the web browser and control these devices that are connected to the home server (paragraphs [0179, 0182, 0189-0190]).

Nagaoka undoubtedly teaches disclose providing the instrument information from the one or more detected traditional instruments to the first device, wherein the one or more traditional instruments are user-selectable from the first device using the instrument information.

(n) Regarding claim 92, Appellant submits that Nagaoka fails to disclose that the instrumentation bus is a GPIB instrumentation bus. Appellant notes that while the

current claims do not specifically require the GPIB instrumentation bus, this amendment was submitted in the Response to Final Office Action of February 22, 2007.

In response, Applicant's argument filed has been fully considered but is not persuasive. The After-final response submitted February 22, 2007 was not entered because it changed the scope of the claim by further limiting the claim.

Examiner thanks Appellant for acknowledging that the current claim does not require the GPIB instrumentation bus.

Examiner agrees with Appellant that this particular bus is not required according to the claim.

Nagaoka teaches a home bus connecting the home-located electronic devices and the home server (paragraphs [0090-0091, 0093, 0106]).

Therefore, Nagaoka indeed discloses one of the buses as claimed in claim 92.

(o) Regarding claim 93, Nagaoka fails to disclose a device which detects a first traditional instrument coupled to the instrumentation bus, wherein a first instrument driver is required by the device to communicate with the traditional instrument, wherein the device is not configured with the first instrument driver.

In response, Applicant's argument filed has been fully considered but is not persuasive.

Nagaoka teaches a home server (**second device**) for performing remote control (access) of home-located electronic devices (**traditional instruments**) (paragraphs

[0009, 0017, 0021, 0091-0092]). The home server is not configured with the device driver (**instrument driver**) because the driver software is downloaded from the management facility via the network to the home server in order to communicate with the home-located electronic devices (paragraphs [0041, 0045]).

Nagaoka discloses a device which detects a first traditional instrument coupled to the instrumentation bus, wherein a first instrument driver is required by the device to communicate with the traditional instrument, wherein the device is not configured with the first instrument driver.

(p) Regarding claim 96, arguments made above regarding claim 86 apply to this claim.

In response, Applicant's argument filed has been fully considered but is not persuasive. As stated above regarding claim 86, Nagaoka teaches the terminal device having a World Wide Web browser to communicate with the home server in the home network. The user using the terminal requests status information via the web browser. The home server transmits to the terminal home-located electronic device categories for each electronic device for which the terminal can choose status information or which device to remotely control. This information is presented to the terminal as HTML data (paragraphs [0007, 0086, 0111, 0141, 0170-0171, 0182]).

Therefore, Nagaoka indeed discloses wherein the user input that generates the request to access the traditional instrument is received by the web browser in a web page provided by the second device.

(q) Regarding claim 97, Nagaoka fails to disclose wherein the program instructions are further executable by the processor to detect a second traditional instrument coupled to the instrumentation bus; receive, from the network, a second instrument driver which is associated with the second traditional instrument in response to the detection of the second instrument, wherein the second instrument driver comprises program instructions which are executable by the processor to communicate and/or control the second traditional instrument; and store the second instrument driver in the memory. Similar arguments above regarding claim 93 apply to the second traditional instrument.

In response, Applicant's argument filed has been fully considered but is not persuasive. As stated above regarding claim 93, Nagaoka teaches a home server (**second device**) for performing remote control (access) of home-located electronic devices (**traditional instruments**) (paragraphs [0009, 0017, 0021, 0091-0092]). The home server is not configured with the device driver (**instrument driver**) because the driver software is downloaded from the management facility via the network to the home server in order to communicate with the home-located electronic devices. The driver, once received, is stored in the hard disk (paragraphs [0041, 0045, 0100, 0132]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to detect a second traditional instrument, receive a second instrument driver, and store the second instrument driver in memory, since it has been held that mere duplication of the essential working parts involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Nagaoka discloses the processor to detect a second traditional instrument coupled to the instrumentation bus; receive, from the network, a second instrument driver which is associated with the second traditional instrument in response to the detection of the second instrument, wherein the second instrument driver comprises program instructions which are executable by the processor to communicate and/or control the second traditional instrument; and store the second instrument driver in the memory.

(r) Regarding claim 100, arguments made above regarding claim 96 apply to the second traditional instrument in this claim.

In response, Applicant's argument filed has been fully considered but is not persuasive. As stated above regarding claim 96, Nagaoka teaches the terminal device having a World Wide Web browser to communicate with the home server in the home network. The user using the terminal requests status information via the web browser. The home server transmits to the terminal home-located electronic device categories for each

electronic device for which the terminal can choose status information or which device to remotely control. This information is presented to the terminal as HTML data (paragraphs [0007, 0086, 0111, 0141, 0170-0171, 0182]).

Therefore, Nagaoka indeed discloses wherein the user input that generates the request to access the traditional instrument is received by the web browser in a web page provided by the second device.

(s) Regarding claim 101, Nagaoka fails to disclose automatically receiving, from the network, the instrument driver which is associated with the traditional instrument, wherein the instrument driver comprises program instructions which are executable by the first device to communicate with the traditional instrument.

In response, Applicant's argument filed has been fully considered but is not persuasive. Nagaoka teaches the home server (**second device**) receiving a request signal from the terminal device (**first device**) for information about the home-located electronic devices (**traditional instrument**). In order for the home server to fulfill this request, the driver software (**instrument driver**) is downloaded from the management facility via the network. The driver software is used by the home server for controlling the home-located electronic devices (paragraphs [0041, 0045, 0100]).

Therefore, Nagaoka explicitly discloses automatically receiving, from the network, the instrument driver which is associated with the traditional instrument, wherein the

Art Unit: 2157

instrument driver comprises program instructions which are executable by the first device to communicate with the traditional instrument.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Barbara Burgess

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